

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 22 2007

Case No. 5619
Date Filed 8/16/07
Hearing Date _____
Receipt _____
Fee 450.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

☐ Administrative Decision/Interpretation

☐ Special Exception

☐ Use Variance

☒ Change/Extension of Non-Conforming Use

☐ Minor Area Variance

☐ Area Variance

☐ Variance from Requirements of the Code

☐ Zoning Map/Drafting Correction

CASE 5619 MAP 51 TYPE Extension of Non-Conforming Use

ELECTION DISTRICT 02 LOCATION 3541 Churchville Road, Aberdeen 21001

BY The Baker Cemetery Company of Harford County, 303 Carter St., Aberdeen 21001

Appealed because an extension of a non-conforming cemetery pursuant to Section

267-21 of the Harford County Code in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name The Baker Cemetery Company of Harford County Phone Number (410) 272-1365
c/o Ona R. Lyman, President

Address 303 Carter Street Aberdeen MD 21001
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3641 Churchville Road, Aberdeen, MD 21001. (South West of Md Rt. 22.)

Subdivision _____ Lot Number _____
Exp. area 1.51 acre
Acreage/Lot Size Total site 7.62 Election District 2nd Zoning AG
acres
Tax Map No. 51 Grid No. 2D Parcel 749 Water/Sewer: Private N/A Public N/A

List ALL structures on property and current use: 10' x 10' shed used for tool storage

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No _____

Request

The Baker Cemetery Company is requesting, under Section 267-21 of the Zoning Code, an extension of a non-conforming use on the North West boundary of the property. The area for which the request is made is 1.51 acres (157' x 420') which is 20% of the total site owned by the Cemetery. This area has 157' frontage on Md Rt 22 and extends back a distance of 420'. The area is for sepulture use only. A substitute driveway for hearses and vault trucks is requested using the existing westerly gate and culvert for access to Md Rt 22. A Board of Appeals Plan prepared by CNA is attached.

Justification

Extension of the non-conforming use is needed to remove the trees and undergrowth from this area and grade it to provide suitable contours for graves. The existing contours will only need slight modification. This extension will provide burial spaces for the surrounding communities through the latter part of this century. Current available cemetery spaces will be filled within approximately 3-5 years. Substitute access to Md Rt 22 is required because recent improvements to Route 22 have made it impossible for hearses and vault trucks to use (see attached)

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

the existing entrance without dragging their frames on the pavement. The new driveway also ensures adequate parking space in the cemetery for large funerals and will avoid parking on the shoulder of Rt 22.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 5, 2007

STAFF REPORT

BOARD OF APPEALS CASE No. 5619

APPLICANT/OWNER: The Baker Cemetery Company of Harford County
303 Carter Street, Aberdeen Maryland 21001

REPRESENTATIVE: Applicant

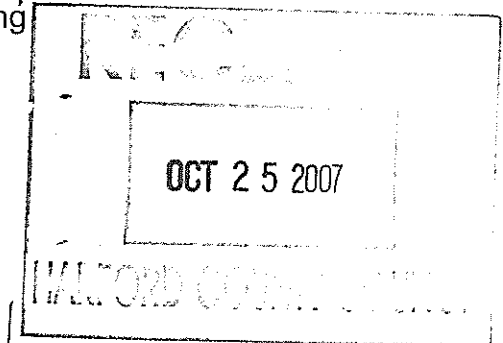
LOCATION: 3641 Churchville Road, Aberdeen, Maryland 21001
Tax Map: 51 / Grid: 2D / Parcel: 749
Election District: Second (2)

ACREAGE: Total site 7.62 acres
Area of expanded cemetery 1.51 acres

ZONING: AG/Agricultural

DATE FILED: August 16, 2007

HEARING DATE: November 14, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"The Baker Cemetery Company is requesting, under Section 267-21 of the Zoning Code, an extension of a non-conforming use on the northwest boundary of the property. The area for which the request is made is 1.51 acres (157' x 420') which is 20% of the total site owned by the cemetery. This area has 157' frontage on Md. Route 22 and extends back a distance of 420'. The area is for sepulture use only. A substitute driveway for hearses and vault trucks is requested using the existing westerly gate and culvert for access to Md. Route 22. A Board of Appeals Plan prepared by CNA is attached."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Justification:

"Extension of the non-conforming use is needed to remove the trees and undergrowth from this area and grade it to provide suitable contours for graves. The existing contours will only need slight modification. This extension will provide burial spaces for the surrounding communities through the latter part of this century. Current available cemetery spaces will be filled within approximately 3-5 years. Substitute access to Md. Route 22 is required because recent improvements to Route 22 have made it impossible for hearses and vault trucks to use the existing entrance without dragging their frames on the pavement. The new driveway also ensures adequate parking space in the cemetery for large funerals and will avoid parking on the shoulder of Route 22."

CODE REQUIREMENTS:

The Applicants are requesting an extension of a non-conforming cemetery pursuant to Section 267-21 of the Harford County Code in the AG/Agricultural District.

Section 267-21 of the Harford County Code reads:

267-21 Enlargement or extension of non-conforming buildings, structures or uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions. Provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more intense use.*
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the non-conformity.*
- C. The enlargement or extension does not violate the height or coverage regulations for the district.*
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*
- E. The limitations, guides and standards set forth in Section 267-9I, Limitations, guides and standards, are considered by the Board.*

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the southwest side of Churchville Road (MD Route 22) west of Interstate I-95. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

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North of I-95 the predominant land use designation is Agricultural. The subject property is located in the area designated as HEAT, Higher Education and applied Technology, on the north side of I-95. Across MD 22 there is an area designed as MO/Mixed Office. The Natural Features Map reflects Stream Systems. The Heat designations is defined by the 2004 Master Plan as:

HEAT – Area designated for Higher Education and Applied Technology Center, a planned higher education and research and development park. The HEAT initiative brings the finest of Maryland's institutions of higher education together to offer programs that are in demand by Maryland residents and businesses. The HEAT Center is located in Aberdeen at MD 22 and I-95

Enclosed with the report are copies of the Greater Aberdeen – Greater Havre de Grace Community area map, 2004 Land Use Map and the Natural Features Map (Attachments 3, 4 and 5).

Land Use – Existing:

The existing land uses in the area generally conform to the intent of the Master Plan. To the west of I-95 the land uses include Agriculture, residential, churches, Ripkin Stadium and the HEAT Center. The intensity of commercial activity and residential land uses to the east of I-95 is more intensive. The topography of this area of the County ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and a topography map (Attachments 6 and 7).

The site is rectangular in shape and approximately 7.62 acres in size with approximately 500 feet of road frontage on the south side of Churchville Road (MD Route 22). The topography is rolling rising up from Route 22 to the center of the property and then sloping down to the rear. There is a small area of wetlands to the rear of the property. The wooded area along the right or west side of the property is to be cleared to allow the expansion of the cemetery. There will remain a 25 foot buffer of trees between the entrance road and the property line. There are presently 2 entrances from Route 22 with an interior loop road system. A new entrance and access road is to be created along the right side of the property that will extend towards the rear of the property used as a cemetery tying into the existing road system. The entrance in the middle of the site has elevation issues and is difficult for most vehicles to negotiate without dragging. It will be eliminated and converted to a turn around area. Site photographs along with an enlargement of the aerial photograph are enclosed (Attachments 8A-I and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The area outside of the Development Envelope is predominantly AG/Agricultural. There are a few areas of RR/Rural Residential. At the intersection of MD

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Route 22 and I-95 is an area of LI/Light Industrial zoning. Enclosed with the report is a copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting an extension of a non-conforming cemetery pursuant to Section 267-21 of the Harford County Code in the AG/Agricultural District.

Section 267-21:

267-21 Enlargement or extension of non-conforming buildings, structures or uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions. Provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more intense use.*

The total site is approximately 7.62 acres. The Applicants are proposing to utilize an additional 1.5 acres to the right side of the existing cemetery. The rear 2± acres of the overall property is wooded and contains an area of NRD.

- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the non-conformity.*

The overall site is approximately 7.62 acres. The existing cemetery occupies approximately 3.4± acres. The proposed expansion area is 1.5 acres.

- C. The enlargement or extension does not violate the height or coverage regulations for the district.*

The request will not violate the height or coverage regulations for the Agricultural District.

- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*

The enlargement or extension of the use will not adversely impact adjacent properties or traffic. There is an average of 220' of wooded area separating the subject use from the use on the adjacent property to the rear which is part of the Heat Center. The property adjoining to the west is an old abandoned quarry and will not be impacted by the expansion of the cemetery.

- E. The limitations, guides and standards set forth in Section 267-9I, Limitations, guides and standards, are considered by the Board.*

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Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

The proposed expansion will not adversely impact the surrounding community.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Churchville Road (MD Route 22) is one a Arterial road. The proposed expansion will allow for better traffic circulation on-site.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The expansion will allow the cemetery to continue to serve the community and is consistent with orderly growth of the neighborhood.

(4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The existing use and the proposed expansion will have no impact on the neighborhood regarding issues listed in this section.

(5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County Sheriff's Office and the Maryland State Police will provide police protection. The Aberdeen Volunteer Fire Company will provide fire protection.

(6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principals and practices.

(7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposed expansion will have no impact on any of the uses listed in this section.

(8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

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The proposed use is compatible with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed expansion will not adversely impact the environmental features to the rear of the property.

- (10) *The preservation of cultural and historic landmarks.*

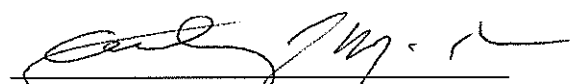
The request will not impact any historical landmarks. Baker Cemetery is an inventoried property which began in 1888 as a family burial site.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall obtain all necessary County, State and Federal permits for the expansion.
2. The Applicant shall obtain any necessary permits to utilize the western access onto MD Route 22. The access in the center of the property shall be removed.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf